

IN THE UNITED STATES DISTRICT
COURT FOR THE NORTHERN DISTRICT
OF TEXAS DALLAS DIVISION

DON WILLIAMS,
Plaintiff,

v.

LIBERTY MUTUAL INSURANCE,
Defendant.

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CIVIL ACTION NO. _____

**DEFENDANT LIBERTY MUTUAL INSURANCE'S
NOTICE OF REMOVAL**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Defendant Liberty Mutual Insurance ("Liberty") files this Notice of Removal pursuant to 28 U.S.C. 1446(a) and respectfully shows the Court the following:

**I.
FACTUAL BACKGROUND**

1. In this civil action, Plaintiff alleges that Defendant is liable under a residential property insurance policy because Plaintiff made a claim under the policy and Defendant allegedly under-evaluated Plaintiff's claim. Plaintiff's lawsuit asserts claims against Liberty Mutual Insurance which is organized under the laws of the State of Massachusetts with its principal place of business at 175 Berkeley Street, Boston Massachusetts.

2. On July 20, 2017, Plaintiff Don Williams ("Plaintiff") filed a lawsuit styled Cause No. DC-17-08706; *Don Williams v. Liberty Mutual Insurance*; in the 191st District Court, Dallas County, Texas.

3. Liberty's registered agent received service of this suit on September 21, 2017.

4. Liberty files this notice of removal within 30 days of receiving Plaintiff's pleading. See 28 U.S.C. §1446(b). In addition, this Notice of Removal is being filed within one year of the commencement of this action. *See id.*

5. Pursuant to Local Rule 81.1, the following documents are being filed concurrently with this removal: an Index of Matters Being Filed; a Supplemental Civil Case Cover Sheet; a copy of the Dallas County District Clerk's file for this case which includes true and correct copies of all executed process, pleadings and orders, and a copy of the docket sheet; and the Certificate of Interested Parties.

II.

BASIS FOR REMOVAL

6. Removal is proper based on diversity of citizenship under 28 U.S.C. §§1332(a), 1441(a), and 1446.

A. Plaintiff and Defendant Are Diverse.

7. According to Plaintiff's Original Petition, Plaintiff is a Texas citizen.

8. Defendant Liberty is organized under the laws of the State of Massachusetts.

B. The Amount In Controversy Exceeds Jurisdictional Requirements

9. This is a civil action in which the amount in controversy exceeds \$75,000.00. Plaintiff pleads that his damages are over \$200,000.00, but not more than \$1,000,000.00.

C. Removal is Procedurally Correct

10. Defendant Liberty Mutual Insurance Company first received notice of Plaintiff's Original Petition on September 21, 2017, when it was served. Liberty is filing this Notice within the 30 day time period required by 28 U.S.C. § 1446(b).

11. Venue is proper in this District and Division under 28 U.S.C. §1446(a) because

this District and Division include the county in which the state action has been pending and because a substantial part of the events giving rise to Plaintiff's claims allegedly occurred in this District and Division.

12. Pursuant to 28 U.S.C. §1446(a), all pleadings, process, orders, and all other filings in the state court action are attached to this Notice.

13. Pursuant to 28 U.S.C. §1446(d), promptly after Liberty files this Notice, written notice of the filing will be given to Plaintiff.

14. Pursuant to 28 U.S.C. §1446(d), a true and correct copy of this Notice will be promptly filed with the District Clerk of the 191st District Court, Dallas County District Court after Liberty files this Notice.

III. **CONCLUSION**

Based upon the foregoing, and other documents filed contemporaneously with this Notice of Removal and fully incorporated herein by reference, Defendant Liberty hereby removes this case to this Court for trial and determination.

Respectfully submitted,

LAW OFFICES OF DAVID L. CHUMBLEY, P.C.

By: _____

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ATTORNEY FOR DEFENDANT
LIBERTY MUTUAL INSURANCE

CERTIFICATE OF SERVICE

I hereby certify that on October 20th 2017, a true and correct copy of the foregoing instrument was served pursuant to the Federal Rules of Civil Procedure on the following counsel of record:

Bill Richmond
Platt Cheema Richmond PLLC
1201 N. Riverfront Blvd., Suite 150
Dallas, Texas 75207

David L. Chumbley